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EXAMINER

IQBAL, KHAWAR

ART UNIT PAPER NUMBER

2688

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/690,213

Applicant(s)

MAMDANI ET AL.

Examiner

Khawar Iqbal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-45 and 47-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-45 and 47-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3,5-25,30,34-44,47 and 48 rejected under 35 U.S.C. 102(a) as being unpatentable by Hymel et al (WO 00/03328).

3. Regarding claim 1 Hymel et al teaches a method for facilitating a wireless transaction (figs. 2,3,7 and 10) comprising:

receiving, by a wireless communication device, a first transaction code representative of a transacted-for good or service (page 2, lines 1-9, page 3, lines 33-36, page 4, lines 19-20, page 10, lines 14-19); and

displaying the first transaction code on a visual display of the wireless communication device (page 4, lines 3-5, see above); and

optically scanning the first transaction code from the visual display of the wireless communication device at a non-point of sale location (scanner 132, fig. 7) so as to trigger at least a physical or information fulfillment event, said fulfillment event fulfilling a wireless transition for said transacted-for goods or service (page 9, line 32-page 10, line 3, page 11, lines 14-20).

Regarding claim 2 Hymel et al teaches wherein receiving the first transaction code includes receiving a first optically scannable transaction code (page 4, lines 5-15, page 6, lines 11-15, fig.2).

Regarding claim 3 Hymel et al teaches wherein receiving the first optically scannable transaction code includes receiving a first transaction barcode (page 4, lines 3-15, page 6, lines 11-15 fig.2, 3).

Regarding claim 5 Hymel et al teaches communicating the first transaction code from a transaction apparatus to the wireless communication device (page 4 lines 3-5).

Regarding claims 6-8 Hymel et al teaches wherein communicating the first transaction code includes communicating the first transaction code directly from the transaction apparatus to the wireless communication device (page 6, lines 11-36).

Regarding claim 9 Hymel et al teaches further comprising: verifying the first transaction code in response to scanning the transaction code (page 10, lines 1-20).

Regarding claim 10 Hymel et al teaches wherein verifying the first transaction code includes communicating a decoded representation of the first transaction code from a transaction fulfillment system of a transaction apparatus to a transaction management system of the transaction apparatus (page 10, lines 16-25).

Regarding claim 11 Hymel et al teaches receiving, by the wireless communication device, a second transaction code after verifying the first transaction code (page 7, lines 7-32, page 8, line 26, page 9, line 10).

Regarding claim 12 Hymel et al teaches wherein receiving the second transaction code includes receiving a second optically scannable transaction code (page 8, line 26, page 9, line 10 page 7, lines 7-32).

Regarding claim 13 Hymel et al teaches wherein receiving the second optically scannable transaction code includes receiving a second transaction barcode (page 7, lines 7-32, page 8, line 26, page 9, line 10).

Regarding claim 14 Hymel et al teaches communicating the second transaction code from a transaction apparatus to the wireless communication device (page 8, line 26, page 9, line 10, page 7, lines 7-32).

Regarding claim 15 Hymel et al teaches communicating the second transaction code includes communicating the second transaction code directly from the transaction apparatus to the wireless device (page 8, line 26, page 9, line 10, page 7, lines 7-32)

Regarding claim 16 Hymel et al teaches wherein communicating the second transaction code directly from the transaction apparatus includes communicating the second transaction code from a radio transceiver of the transaction apparatus to a radio transceiver of the wireless communication device (page 7, lines 7-32, page 8, line 26, page 8, line 10).

Regarding claim 17 Hymel et al teaches wherein communicating the second transaction code from the radio transceiver of the transaction apparatus includes communicating the second transaction code from a transaction fulfillment system of the transaction apparatus (page 8, line 26, page 8, line 10, page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 18 Hymel et al teaches, further comprising: optically scanning the second transaction code from the visual display of the wireless communication device; verifying the second transaction code; and receiving, by the wireless communication device, a transaction fulfillment message (page 8, line 26, page 8, line 10, page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 19 Hymel et al teaches further comprising: communicating the transaction fulfillment message from a transaction apparatus to the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 20 Hymel et al teaches where communicating the transaction fulfillment message includes communicating the transaction fulfillment message directly from the transaction apparatus to the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 21 Hymel et al teaches wherein communicating the transaction fulfillment message directly from the transaction apparatus includes communicating the transaction fulfillment message from a radio transceiver of the transaction apparatus to a radio transceiver of the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 22 Hymel et al teaches wherein communicating the transaction fulfillment message from the radio transceiver of the transaction apparatus includes communicating the transaction fulfillment message from a transaction fulfillment system of the transaction apparatus (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 23 Hymel et al teaches wherein verifying the second transaction code includes communicating a decoded representation of the second transaction code from a transaction fulfillment system of a transaction apparatus to a transaction management system of the transaction apparatus (page 12, lines 1-12 page 7, lines 7-32).

Regarding claims 24,25 Hymel et al teaches receiving, at a transaction apparatus, a transaction request from a transaction requester; verifying an identity of the transaction requester, and communicating the first transaction code from the transaction apparatus to the wireless communication device after verifying the identity of the transaction requester and wherein receiving the transaction request includes receiving the transaction request from the wireless communication device of the transaction requester (page 7, line 30-page 8, line 9, page 10, lines 5-13 and 20-25).

Regarding claim 30 Hymel et al teaches a system for facilitating a wireless transaction (figs. 3,7,10), comprising:

a wireless communication device capable of (fig.1, fig. 7, device 10, fig. 10, device 10):

receiving a transaction code (page 3, lines 33-36, page 4, lines 19-20); and

displaying the transaction code on a visual display of the wireless communication device (page 4, lines 5-10); and

a transaction apparatus capable of: receiving a request to transact for a particular product from a transaction requester (page 2, lines 1-9, page 4, lines 19-20, page 12, line 33-page 13, line 5, page 13 lines 29-37, page 14, line 3-37);

verifying an identity of the transaction requester, communicating a transaction code to the wireless communication device base on the request to transact (page. 4, lines 5-15, page 6, lines 11-15, see above); and

optically scanning the transaction code from the visual display of the wireless communication device at a non-point of sale location (scanner 132, fig. 7) so as to trigger at least a physical or information fulfillment event, said fulfillment event fulfilling a wireless transition for said transacted-for goods or service (page 9, line 32-page 10, line 3, page 11, lines 14-20).

Regarding claims 34-39 and 49 Hymel et al teaches wherein the transaction apparatus is coupled to a telecommunication network system for enabling communication with the wireless communication device (fig. 7, 10), wherein the transaction apparatus is coupled to a telecommunication network system for enabling communication with the wireless communication device and wherein the transaction apparatus is coupled to the telecommunication network through a computer network system (page 6, lines 23-36, page 12, line 33-page 13, line 5, page 13 lines 29-37, page 14, line 3-37).

Regarding claims 40-44 Hymel et al teaches wherein the transaction apparatus includes a code scanning device for optically scanning the transaction code, wherein the code scanning device includes a bar code reader and wherein the transaction apparatus and the wireless communication device each include a radio transceiver for enabling, communication directly between the wireless communication device and the transaction apparatus (page 9 line 32-page 10, line 25, see above).

As to claim 47 it is considered the claim is rejected for the same reason as set forth in claim 1.

As to claim 48 it is considered the claim is rejected for the same reason as set forth in claim 30.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 26-29,31-33 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulvinen et al (6393305) and further in view of Hymel et al (WO 00/03328).

6. Regarding claims 26-29,31-33,45,45 Ulvinen et al teaches a method for facilitating a wireless transaction, comprising (abstract, fig. 3):

communicating a transaction request from a wireless communication device to a transaction apparatus (col.4, lines 55-67);

communicating a spoken authentication code from the wireless communication device to the transaction apparatus (col.2, lines 31-44);

authenticating the spoken authentication code (abstract); receiving, by the wireless communication device (col. 6, lines 38-47), a transaction code after authenticating the spoken authentication code (col.5, lines 1-28, fig. 3). Ulvinen et al

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does not specifically teach displaying the transaction code on a visual display of the wireless communication device; and optically scanning the transaction code from the visual display of the wireless communication device. In an analogous art, Hymel et al teaches displaying the transaction code on a visual display of the wireless communication device (page 14, lines 3-37), said transaction code being representative of transacted for good or service (page 2, lines 1-9, page 4, lines 19-20; and optically scanning the transaction code from the visual display of the wireless communication device at a non-point of sale location (scanner 132, fig. 7) so as to trigger at least a physical or information fulfillment event, said fulfillment event fulfilling a wireless transition for said transacted-for goods or service (page 9, line 32-page 10, line 3, page 11, lines 14-20). The user information is displayed on the selective call receiver such that it can be read. The barcode is received by the selective call receiver in the form of a transmitted message. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ulvinen et al by specifically adding a code display on the wireless device and optically scanned it for the purpose of increasing the efficiency of communication system and providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al.

Response to Arguments

7. Applicant's arguments filed 9-19-05 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applicant argument but firmly believes the cited references to reasonably and properly meets the claimed limitations (amendment). Applicant argues that Hymel et al does not teach optically scanning the transaction code from the visual display of the wireless communication device at a non-point of sale location so as to trigger at least a physical or information fulfillment event, said fulfillment event fulfilling a wireless transition for said transacted-for goods or service. Hymel et al teaches the user's SCR stores information about the user, and that information is displayed in bar code format, when user (SCR 10) enters a store or in other location to purchase. If the user wishes to receive coupons for use in the store 130, he cause his SCR 10 to display his demographic information in bar code format at the scanner 132 (scanner132 located in or near the store, non-point of sale see fig. 7), which reads those demographics. The scanner 132 information is passed via a communication link 136 to a computer 138 that may be located within the store or in another location (page 9, line 32-page 10, line 3, page 11, lines 14-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal

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